



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Aging & Disability Services Administration

Subject of possible rule making: The department is amending:
Chapter 388-513 WAC, Client not in own home, institutional medical; and
Chapter 388-515 WAC, Alternative living, institutional medical.
Chapter 388-527 WAC, Estate Recovery

Statutes authorizing the agency to adopt rules on this subject: RCW 74.04.050; 74.04.057; 74.08.090; and 74.09.530;
Section 6014 of the Deficit Reduction Act of 2005 (DRA). Chapter 37, Laws of 2010, Sec. 209 (1) (ESSB 6444)

Reasons why rules on this subject may be needed and what they might accomplish: DSHS is amending Chapters 388-513, 388-515, 388-527 WAC as follows:

- Combine Categorically Needy (CN) and Medically Needy (MN) Home and Community Based (HCB) Waiver eligibility based on a projected approval by Centers for Medicare and Medicaid Services.
- Repeal of HCB MN Waivers
- Add language regarding long-term care partnerships to Estate Recovery WAC
- Increased excess home equity standard and add formula for increase based on federal standards for 1/2011 and ongoing.
- Update federal utility standard used in spousal deeming
- Update links and references based on program changes made by Economic Services Administration (ESA) and Health Care Authority (HCA) as ordered by the Governor necessary to implement the budget.
- Update links and references based on HB 1738 and HCA Medicaid WACs re-codified under title 182.
- Correction of language allowing the Federal Poverty Level (FPL) as a personal needs allowance (PNA) for a married individual receiving a Home and Community Based Waiver, living at home but apart from the community spouse.
- Add language in the Hardship Waiver WAC to include transfers between registered Domestic Partners up to the resource amount a married couple is allowed for resources.
- Clarifying reasonable limits for qualifying medical deductions
- Updating references and changing language for readability and clarity

Other necessary changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: NA

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

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DATE December 7, 2011

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SIGNATURE

TITLE

DSHS Rules Coordinator

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